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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.         | CONFIRMATION NO.            |
|---|-------------|----------------------|-----------------------------|-----------------------------|
| 10/601,721  | 06/23/2003  | David G. Peot        | 10710/197<br>(PTG-1063-PAP) | 8690                        |
| 7590  | 10/06/2005  |                      |                             | EXAMINER<br>DEXTER, CLARK F |
| Brinks Hofer Gilson & Lione<br>NBC Tower<br>Suite 3600<br>P.O. Box 10395<br>Chicago, IL 60610 |             |                      | ART UNIT<br>3724            | PAPER NUMBER                |
|   |             |                      | DATE MAILED: 10/06/2005     |                             |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                             |                  |
|------------------------------|-----------------------------|------------------|
| <b>Office Action Summary</b> | Application No.             | Applicant(s)     |
|                              | 10/601,721                  | PEOT ET AL.      |
|                              | Examiner<br>Clark F. Dexter | Art Unit<br>3724 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 June 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 June 2005 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 30, 2005 has been entered.

***Drawings***

2. The drawings were received on June 30, 2005. These drawings are not acceptable for minor informalities. Figure 1 would be acceptable if the original as-filed version of Figure 1, which shows structure beneath the table 12, is used with the addition of numeral 18 thereto. Regarding Figure 4, either the structure shown in Figure 1 should be added to Figure 4, or numeral 18 should be deleted from Figure 4.

***Claim Rejections - 35 USC § 112, 1<sup>st</sup> paragraph***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The original disclosure does not provide support for a guard that does not move with respect to the riving knife as now set forth in claims 1, 12, 17 and 21. Rather, support is provided in the original disclosure for a guard (24) that is movable in either one of the claimed pin positions; specifically, the bail 32 is considered to be part of the guard 24 and is movable in either pin position (e.g., see paragraph 0026, line 1).

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Groff, pn 291,187.

Groff discloses a table saw with every structural limitation of the claimed invention including first and second slots (e.g., s, s'), a multi-position pin (e.g., f of q'), and a second pin (e.g., f of q). It is noted that when Groff's guard is in a position

wherein the lower pin (q) is in slot g (see Fig. 3), the guard is not movable vertically (in a manner similar to the present invention).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 4-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groff, pn 291,187.

Regarding claims 4, 5, 12, 14 and 18, Groff lacks a bail pivotally mounted to the top plate of the guard. However, the Examiner takes Official notice that bails, particularly arc-shaped bails are old and well known in the art and provide various well

benefits including safety benefits. Troupenat, pn 997,720 discloses a sawing device with a bail (e.g., 11, 12), wherein the bail has distinct left and right bail portions. Therefore, it would have been obvious to one having ordinary skill in the art to provide a bail on the table saw of Groff for the well known benefits including that described above.

Regarding claims 6-10, 12, 13, 19 and 20, Groff lacks the various viewing features including a viewing slot, a magnifying lens and a light source. However, the Examiner takes Official notice that such features are old and well known in the art and provide various well known benefits including assisting an operator in viewing the workpiece and/or the blade during a cutting operation. Wappat, pn 1,830,579, Campbell et al., pn 5,794,351 and Bosten et al., pn 5,375,495 provide examples of such viewing features. Therefore, it would have been obvious to one having ordinary skill in the art to provide such viewing features on the table saw of Groff for the well known benefits including that described above.

Regarding claim 11, Groff lacks the riving knife raising and lowering with the saw blade. However, the Examiner takes Official notice that such a riving knife configuration is old and well known in the art and provide various well known benefits including maintaining a desired relationship between the riving knife and the blade. Neighbour, pn 1,821,113 discloses one example of such a configuration (e.g., see Fig. 4). Therefore, it would have been obvious to one having ordinary skill in the art to provide a riving knife that raises and lowers with the saw blade on the table saw of Groff for the well known benefits including that described above.

Regarding claim 17, Groff lacks the first pin having a lever. However, the Examiner takes Official notice that levers on fastening devices such as that disclosed in Groff (e.g., f) are old and well known in the art and provide various well known benefits including facilitating tightening of the fastener by providing a lever to apply additional leverage. Therefore, it would have been obvious to one having ordinary skill in the art to provide a lever on the first pin of Groff for the well known benefits including that described above.

***Response to Arguments***

9. Applicant's arguments filed June 30, 2005 have been fully considered but they are not persuasive.

As described in further detail in the above prior art rejection under 35 USC 102, the Examiner respectfully submits that the prior art continues to meet the claimed invention as best understood from the claims, particularly in view of the rejection under 35 USC 112, 1<sup>st</sup> paragraph.

Regarding applicant's argument in the paragraph bridging pages 12-13 of the amendment, the Examiner respectfully disagrees and submits that the structure suggested and/or taught by the prior art, particularly Neighbour, is easily combinable with the device disclosed by Groff '187. The Examiner respectfully submits that there are numerous patents that show and/or teach the structure being set forth in claim 11.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571)272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Clark F. Dexter  
Primary Examiner  
Art Unit 3724

cfd  
October 3, 2005